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James M. Hayes

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EXAMINER

VUONG, QUOCHIE B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/731,624	Applicant(s) HAYES ET AL.	
	Examiner Quochien B. Vuong	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-17, and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4, 6-17, and 19-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al. (US 5,335,265) in view of Rosenberg et al. (US 6,628,934).

Regarding claim 1, Cooper et al. disclose a method comprising: granting radio network access to a first wireless device (a valid subscriber) operating under shared radio access data; and granting radio network access to a second wireless device (a clone one) operating under the same shared radio access data, wherein the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair (column 8, lines 4-60, granting the valid subscriber and clone one having the same MIN-ESN pair to access the network and later on detecting the clone device). Cooper et al. do not disclose restricting the first wireless device to engage in packet-data communication with a media management server; and restricting the second wireless device to engage in packet-data communication with the media management server. However, Rosenberg et al. disclose as part of the activation process a user can select which wireless service to activate for example voice only, text or packet-data communication service (column 3, lines 46-54; and column 9, lines 9-21). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Rosenberg et al. for restricting the packet-data communication service to the first and second wireless devices to the method of Cooper et al. to make wireless activation process without requiring human interaction (see Rosenberg et al., column 2, line 66 - column 3, line 14).

5. Claims 2 and 3 are ejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al. (US 5,335,265) in view of Rosenberg et al. (US 6,628,934) and further in view of Rodriguez et al. (US 7,305,354).

Regarding claim 2, Cooper et al. and Rosenberg et al. disclose the method of claim 1 above. Cooper et al. and Rosenberg et al. do not disclose wherein the media management server comprises a photo server. However, Rodriguez et al. disclose a photo server for organizing the photos in user's account (column 30, lines 5-19).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the photo server of Rodriguez et al. to the method of Cooper et al. and Rosenberg et al. so that the server can store and organize the photos for the user.

Regarding claim 3, Rodriguez et al. disclose wherein the first wireless device is a wirelessly-equipped digital camera, and the second wireless device is a wirelessly-equipped digital camera (column 30, lines 5-19).

6. Claims 4, 6-14, 16, 17 , 19, 20, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chatterjee et al. (US 6,915,132) in view of Cooper et al. (US 5,335,265) Rosenberg et al. (US 6,628,934).

Regarding claim 4, Chatterjee et al. disclose a method comprising: granting radio network access to a first wireless device operating under shared radio access data and then, in response to first pre-registration data used by the first wireless device, engaging in a first over-the-air registration of the first wireless device (i) to establish a first user account for the first wireless device with a server and (ii) to provision the first wireless device with first post-registration data; granting radio network access to a second wireless device operating under the same shared radio access data and then, in

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response to second pre-registration data used by the second wireless device, engaging in a second over-the-air registration of the second wireless device (i) to establish a second user account for the second wireless device with the server and (ii) to provision the second wireless device with second post-registration data different than the first post-registration data (column 3, lines 6-17; column 9, lines 5-58). Chatterjee et al. do not disclose wherein the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair, and the server is a media management server. However, Cooper et al. disclose the first and second wireless devices having the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair (column 8, lines 4-60, granting the valid subscriber and clone one having the same MIN-ESN pair to access the network and later on detecting the clone device). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Cooper to the method of Chatterjee et al. in order to detect the unauthorized subscriber (clone one). And Rosenberg et al. disclose a media management server including voice, text, or packet-data communication wireless service (column 3, lines 40-59). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the media management server of Rosenberg et al. to the method of Chatterjee et al. and Cooper et al. for providing text or packet-data communication service to the user.

Regarding claim 6, Chatterjee et al. disclose setting a network authentication

entity to allow multiple wireless devices to operate concurrently under the same shared radio access data (column 9, lines 5-31).

Regarding claim 7, Rosenberg et al. disclose restricting the first wireless device to engage in packet-data communications with the media management server; and restricting the second wireless device to engage in packet-data communications with the media management server (column 3, lines 46-54; and column 9, lines 9-21).

Regarding claim 8, Chatterjee et al. disclose wherein the first pre-registration data comprises a first unique pre-registration identifier and a shared pre-registration identifier, and wherein the second pre-registration data comprises a second unique pre-registration identifier and the shared pre-registration identifier (column 9, lines 10-22; and column 10, lines 3-18).

Regarding claim 9, Chatterjee et al. disclose wherein the first post-registration data comprises a first unique post-registration identifier and a shared post-registration identifier, and wherein the second post-registration data comprises a second unique post-registration identifier and the shared post-registration identifier (column 9, lines 10-22; and column 10, lines 3-18).

Regarding claim 10, Rosenberg et al. disclose wherein engaging in the first over-the-air registration comprises sending and receiving web communications between the media management server and the first wireless device, collecting user information for the first user account, and sending the first post-registration data to the first wireless device; and wherein engaging in the second over-the-air registration comprises sending and receiving web communications between the media management server and the

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second wireless device, collecting user information for the second user account, and sending the second post-registration data to the first wireless device (column 3, lines 46-59; and column 9, lines 3-53).

Regarding claim 11, Rosenberg et al. disclose after provisioning the first wireless device with the first post-registration data, the media management server allowing the first wireless device to use the first post-registration data in gaining access the first user account; and after provisioning the second wireless device with the second post-registration data, the media management server allowing the second wireless device to use the second post-registration data in gaining access the second user account (column 3, lines 46-59; and column 9, line 3-53).

Regarding claim 12, Chatterjee et al. disclose a system comprising: means for granting radio network access to multiple wireless devices operating under common radio access data; means for tunneling each of the wireless devices to a network entity; means for engaging in over-the-air registration of each of the wireless devices with the network entity and establishing for each wireless device a respective online account; means for granting each wireless device access to its respective online account (column 3, lines 6-17; column 9, lines 5-58). Chatterjee et al. do not disclose means for granting packet network connectivity to each of the wireless devices. Chatterjee et al. do not disclose wherein the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair, and the server is a media management server. However, Cooper et al. disclose the first and second wireless devices having the shared radio access data comprises a shared mobile

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identification number – electronic serial number (MIN-ESN) pair (column 8, lines 4-60, granting the valid subscriber and clone one having the same MIN-ESN pair to access the network and later on detecting the clone device). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Cooper to the method of Chatterjee et al. in order to detect the unauthorized subscriber (clone one). And Rosenberg et al. disclose means for granting packet network connectivity to each of the wireless devices (column 3, lines 46-56; and column 9, lines 3-20). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the means for granting packet network connectivity to each of the wireless devices of Rosenberg et al. to the system of Chatterjee et al. for providing text or packet-data communication service to the user.

Regarding claim 13, Rosenberg et al. disclose means for restricting the wireless devices to engage in packet-data communications (column 3, lines 46-56; and column 9, lines 3-20).

Regarding claim 14, Rosenberg et al. disclose wherein the network entity comprises a media management server (column 3, lines 46-56; and column 9, lines 3-20).

Regarding claim 16, Chatterjee et al. disclose wherein the means for engaging in over-the-air registration of the multiple wireless devices with a network entity comprises means for sending and receiving communications between the network entity and the wireless devices, collecting user data, and sending post-registration data to the wireless devices (column 3, lines 6-17; and column 9, lines 5-58).

Regarding claim 17, Chatterjee et al. disclose a method comprising: distributing a plurality of wireless devices to users, wherein each wireless device includes shared radio access data that is the same on all of the wireless devices; receiving into a network from a first of the wireless devices a first radio access request that carries the shared radio access data, and granting radio frequency (RF) connectivity to the first wireless device in response to at least the shared radio access data; receiving into a server a first access request from the first wireless device and (i) if the first access request carries pre-registration data, engaging in a registration session with the first wireless device to set up a first user account and to provision the first wireless device with post-registration data and (ii) if the first access request carries post-registration data, engaging in a user session with the first wireless device; receiving into a network from a second of the wireless devices a second radio access request that carries the shared radio access data, and granting RF connectivity to the second wireless device in response to at least the shared radio access data; and receiving into a server a second access request from the second wireless device and (i) if the second access request carries pre-registration data, engaging in a registration session with the second wireless device to set up a second user account and to provision the second wireless device with post-registration data and (ii) if the second access request carries post-registration data, engaging in a user session with the second wireless device (column 3, lines 6-17; column 9, lines 5-58). Chatterjee et al. do not disclose wherein the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair, and the server is a media management server. However, Cooper et al.

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disclose the first and second wireless devices having the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair (column 8, lines 4-60, granting the valid subscriber and clone one having the same MIN-ESN pair to access the network and later on detecting the clone device).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Cooper to the method of Chatterjee et al. in order to detect the unauthorized subscriber (clone one). And Rosenberg et al.

disclose a media management server including voice, text, or packet-data communication wireless service (column 3, lines 40-59). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the media management server of Rosenberg et al. to the method of Chatterjee et al. and Cooper et al. for providing text or packet-data communication service to the user.

Regarding claim 19, Chatterjee et al. disclose wherein the shared radio access data further comprises a common authentication-key (A-key) (column 3, lines 5-11).

Regarding claim 21, Rosenberg et al. disclose wherein distributing the plurality of wireless devices comprises selling the plurality of wireless devices (column 2, line 38-44).

Regarding claim 24, Chatterjee et al. disclose a method comprising: granting radio network access to a first wireless device operating under shared radio access data; detecting that the first wireless device is using pre-registration data and responsively tunneling a communication from the first wireless device to a registration

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server, and carrying out a first registration session to establish a first account; granting radio network access to a second wireless device operating under the shared radio access data; and detecting that the second wireless device is using pre-registration data and responsively tunneling a communication from the second wireless device to the registration server, and carrying out a second registration session with the registration server to establish a second account (column 3, lines 6-17; column 9, lines 5-58).

Chatterjee et al. do not disclose wherein the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair, and the server is a media management server. However, Cooper et al. disclose the first and second wireless devices having the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair (column 8, lines 4-60, granting the valid subscriber and clone one having the same MIN-ESN pair to access the network and later on detecting the clone device). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Cooper to the method of Chatterjee et al. in order to detect the unauthorized subscriber (clone one). And Rosenberg et al. disclose media management accounts including voice, text, or packet-data communication wireless service (column 3, lines 40-59). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the media management account of Rosenberg et al. to the method of Chatterjee et al. and Cooper et al. for providing text or packet-data communication service to the user.

Regarding claim 25, Chatterjee et al. disclose (i) during the first registration session, providing the first wireless device with first post-registration data, and (ii) thereafter detecting that the first wireless device is using the post-registration data and responsively tunneling a communication from the first wireless device to a media management server; and (i) during the first registration session, providing the first wireless device with first post-registration data, and (ii) thereafter detecting that the first wireless device is using the post-registration data and responsively tunneling a communication from the first wireless device to the media management server (column 3, lines 6-17; column 9, lines 5-58).

Regarding claim 26, Chatterjee et al. disclose during the first registration session, providing the first wireless device with first post-registration data and an address of a first media management server for use by the first wireless device to gain access to the first media management server; and during the second registration session, providing the second wireless device with second post-registration data and an address of a second media management server for use by the second wireless device to gain access to the second media management server (column 3, lines 6-17; column 9, lines 5-58).

7. Claims 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chatterjee et al. (US 6,915,132) in view of Cooper et al. (US 5,335,265) and Rosenberg et al. (US 6,628,934) and further in view of Rodriguez et al. (US 7,305,354).

Regarding claim 15, Chatterjee et al., Cooper et al., and Rosenberg et al. disclose the system of claim 12 above. Chatterjee et al., Copper et al., and Rosenberg

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et al. do not disclose wherein the wireless devices comprise wirelessly-equipped digital cameras. However, Rodriguez et al. disclose the wireless devices comprises a camera, phone, PDA device, or the like (column 30, lines 5-19). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the wirelessly-equipped digital camera of Rodriguez et al. to the system of Chatterjee et al., Cooper et al., and Rosenberg et al. so that the user can transfer and store the photos at the server.

Regarding claim 20, Chatterjee et al., Cooper et al., and Rosenberg et al. disclose the method of claim 17 above. Chatterjee et al., Cooper et al., and Rosenberg et al. do not disclose wherein the wireless devices comprise wirelessly-equipped digital cameras. However, Rodriguez et al. disclose the wireless devices comprises a camera, phone, PDA device, or the like (column 30, lines 5-19). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the wireless-equipped digital camera of Rodriguez et al. to the method of Chatterjee et al., Cooper et al., and Rosenberg et al. so that the user can transfer and store the photos at the server.

8. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chatterjee et al. (US 6,915,132) in view of Cooper et al. (US 5,335,265) and Rodriguez et al. (US 7,305,354)

Regarding claims 22, Chatterjee et al. disclose a wirelessly-equipped device comprising: a processor; data storage; a wireless communication interface; and

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a user interface, wherein the data storage contains (i) radio access data and (ii) registration data wherein the radio access data comprises a mobile identification number - electronic serial number (MIN-ESN) pair that is the same as a MIN-ESN pair stored as radio access data on at least one other wirelessly-equipped device, and wherein the registration data is selected from the group consisting of (i) pre-registration data usable to gain access to and engage in a registration session with a management system and (ii) post-registration data usable to gain access to and engage in a user session with the management system (column 3, lines 6-17; column 9, lines 5-58). Chatterjee et al. do not disclose wherein the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair, and the wirelessly-equipped device is a wirelessly-equipped digital camera and the management system is a media management server. However, Cooper et al. disclose the first and second wireless devices having the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair (column 8, lines 4-60, granting the valid subscriber and clone one having the same MIN-ESN pair to access the network and later on detecting the clone device). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Cooper to the method of Chatterjee et al. in order to detect the unauthorized subscriber (clone one). And Rodriguez et al. disclose the wireless devices comprise a camera, phone, PDA device, or the like; and the management system is a media management system (column 30, lines 5-19).

Therefore, it would have been obvious for one having ordinary skill in the art at the time

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the invention was made to adapt the wireless-equipped digital camera and the media management system of Rodriguez et al. to the device and system of Chatterjee et al. and Cooper et al. so that the user can transfer and store the photos at the system.

Regarding claim 23, Chatterjee et al. disclose a wireless device registration system comprising: a radio network access system arranged to grant radio network access concurrently to multiple digital cameras operating under a common mobile identification number (MIN) - electronic serial number (ESN) pair; and a management system arranged to engage in web communication with a wireless device and to provision the wireless device with registration data for an online storage account (column 3, lines 6-17; column 9, lines 5-58). Chatterjee et al. do not disclose wherein the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair, and the wireless device is a digital camera and the management system is a photo management server. However, Cooper et al. disclose the first and second wireless devices having the shared radio access data comprises a shared mobile identification number – electronic serial number (MIN-ESN) pair (column 8, lines 4-60, granting the valid subscriber and clone one having the same MIN-ESN pair to access the network and later on detecting the clone device). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Cooper to the method of Chatterjee et al. in order to detect the unauthorized subscriber (clone one). And Rodriguez et al. disclose the wireless devices comprise a camera, phone, PDA device, or the like; and the management system is a photo management system (column 30, lines 5-19).

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Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the digital camera and the photo management system of Rodriguez et al. to the device and system of Chatterjee et al. and Cooper et al. so that the user can transfer and store the photos at the system.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quochien B Vuong/
Primary Examiner, Art Unit 2618